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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,859	09/18/2003	Robert T. Melville	212/518	5764

23371 7590 04/05/2005

CROCKETT & CROCKETT  
24012 CALLE DE LA PLATA  
SUITE 400  
LAGUNA HILLS, CA 92653

EXAMINER

PARSLEY, DAVID J

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/666,859	MELVILLE, ROBERT T.	
	<b>Examiner</b>	<b>Art Unit</b>	
	David J Parsley	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 3-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **Detailed Action**

### ***Amendment***

1. This office action is in response to applicant's amendment dated 2-8-05 and this action is non-final.

### ***Claim Objections***

2. Claim 4 is objected to because of the following informalities: contains more than one period as seen in lines 6 and 18. Appropriate correction is required.

Claim 5 is objected to because of the following informalities: add - -section- - after "distal" in line 2. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,388,774 to Thoemke.

Referring to claim 3, Thoemke discloses a dual fishing rod holder comprising, a mounting post – at 52, for insertion into a receiver installed on a boat – see at GW in figure 2, a tip-down fishing rod holder – at 28-36, having a proximal end and a distal end – see for example figure 2, the tip-down fishing rod holder being secured at its proximal end to the mounting post – via items 28 and 30, and extending rearwardly and at an angle from the mounting post – see for example figures 1-3, a fastener – see the cord proximate 32 in figures 2-3 or at – 36, at the distal end of the tip-down fishing rod holder, wherein the fastener is adapted to secure a first fishing rod and freely suspend the first fishing rod – see for example figures 1-3, and a tip-up fishing rod holder – at 74-86, disposed at an angle relative to the first fishing rod holder – see for example figures 1-3, the tip-up fishing rod holder adapted to securely receive a handle of a second fishing rod – see for example figure 1, and hold the second fishing rod at a substantial angle relative to the first fishing rod – see for example figure 1, wherein the second fishing rod holder is secured at a distance from the top of the proximal end of the first fishing rod holder – see for example figures 1-3.

Referring to claim 4, Thoemke discloses a dual fishing rod holder comprising, a first fishing rod holder – at 32,36, having a proximal section and a distal section – see for example figures 2-3, wherein the proximal section is at an angle relative to the distal section – see for example figures 2-3, and the proximal section is adapted for insertion into a receiver – at 28,30, installed on a boat – at GW – see for example figure 2, a fastener – at 36, coupled to the distal section of the first fishing rod holder – see for example figures 2-3, wherein the fastener is adapted to secure a first fishing rod – see for example figures 2-3, and a second fishing rod holder – at 74-86, coupled to and substantially parallel to the proximal section of the first fishing

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rod holder – at 32,36 – see for example figures 2-3 and column 3 lines 53-67 where the rod holder – at 36 is rotatable about a horizontal axis and therefore can be adjusted into a position where the transverse axis of the rod holder – at 32 is parallel to the longitudinal axis of the rod holder – at 86 about a horizontal axis corresponding to the longitudinal axis of item – 38 and therefore portions of the rod holder – at 32 are parallel to portions of the rod holder – at 86, the second fishing rod holder – at 74-86, adapted to securely receive a handle of a second fishing rod and hold the second fishing rod at a substantial angle relative to the first fishing rod – see for example figures 1-3, wherein the second fishing rod holder is secured at a distance from the top of the proximal end of the first fishing rod holder – see for example figures 1-3.

Referring to claim 5, Thoemke discloses a dual fishing rod holder comprising, a first tube – at 32, with a proximal section and a distal section and having a bend between the proximal section and distal section – see for example the opening for the fishing reel in item – 32 in figures 2-3, a fastener – at 36 or at the cord proximate 32 in figures 2-3, coupled to the distal section of the first tube – see for example figures 2-3, the fastener couplable to a first fishing rod and adapted to secure the first fishing rod – see for example figures 2-3, and a second tube – at 86, coupled to the proximal section of the first tube and at an angle relative to the distal section of the first tube – via item 38 as seen in figures 2-3, the second tube adapted to receive a handle of a second fishing pole – see for example figures 1-3, wherein the proximal section of the first tube is so sized and dimensioned to be inserted into a receiver – at 28,30, on a boat – at GW – see for example figures 2-3.

Referring to claim 6, Thoemke discloses the fastener – at 36 or at the cord proximate 32 in figures 2-3, coupled to the distal section of the first tube – at 32, is adapted to allow at least

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two degrees of freedom in the first fishing rod when the first fishing rod is coupled to the fastener – see for example figures 1-3 and column 3 lines 53-67.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 3-6 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J Parsley whose telephone number is (703) 306-0552. The examiner can normally be reached on 9hr compressed.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

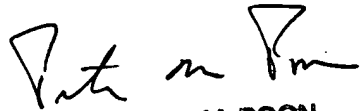
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DP

David Parsley  
Patent Examiner  
Art Unit 3643

  
PETER M. POON  
SUPERVISORY PATENT EXAMINER  
3/29/85